

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, DC 20554**

In the Matter of

Schools and Libraries Universal Support  
Mechanism

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) CC Docket No. 02-6  
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**REPLY COMMENTS OF VERIZON WIRELESS**

Verizon Wireless submits these reply comments in support of Sprint Nextel Corporation's ("Sprint Nextel") recommended changes to USAC's proposed eligible services list for the schools and libraries universal service support mechanism,<sup>1</sup> as described in the Commission's Public Notice of July 27, 2007.<sup>2</sup> Verizon Wireless agrees with Sprint Nextel that the services included in the eligible services list should be updated to more accurately reflect schools' and libraries' current communications needs and uses of Internet access services. Such changes to the list are clearly in the public interest because they will enable schools and libraries to benefit from the capabilities of wireless services to meet the needs of those institutions.<sup>3</sup>

The Commission has held that Section 254 of the Act authorizes it "to permit schools and libraries to receive the telecommunications and information services provided by

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<sup>1</sup> Comments of Sprint Nextel Corporation, filed Aug. 10, 2007 ("Sprint Nextel Comments").

<sup>2</sup> Public Notice, *Comment Sought on Draft Eligible Services List for Schools and Libraries Universal Service Mechanism*, CC Docket No. 02-6, FCC 07-130 (rel. July 27, 2007) ("Public Notice").

<sup>3</sup> See Sprint Nextel Comments at 4.

telecommunications carriers needed to use the Internet at discounted rates.”<sup>4</sup> In particular, the Commission concluded that it is “authorized to provide discounts on the data links *and associated services* necessary to provide classrooms with access to” information important to those institutions’ respective missions.<sup>5</sup> The Commission has acknowledged that schools’ and libraries’ vital administrative activities serve an “educational purpose” under the Commission’s rules.<sup>6</sup> As Sprint Nextel explains in its comments, the communications needs associated with these activities often may best be accomplished through wireless applications and products. Verizon Wireless believes that the services that Sprint Nextel proposes fit within the current rules defining supported services for the E-Rate program.<sup>7</sup> By including them in the list of supported services, the Commission will further the public interest and reduce burdens on USAC and on applicants during the application approval process.

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<sup>4</sup> See *Federal-State Joint Board on Universal Service*, Report and Order, 12 FCC Rcd 8776, 9008-09 ¶ 436 (1997) (subsequent history omitted) (“*First Universal Service Order*”).

<sup>5</sup> *Id.* at ¶ 441 (emphasis added).

<sup>6</sup> As Sprint Nextel explained, the Commission has clarified that “educational purposes” under rules covers a variety of communications needs – including mobile communications that can only be met through wireless. Sprint Nextel Comments at 2-3. As the Commission explained:

The following are examples off-site activities that would be integral, immediate, and proximate to the education of students or the provision of library services to library patrons, and thus, would be considered to be an educational purpose: a school bus driver’s use of wireless telecommunications services while delivering children to and from school, a library staff person’s use of wireless telecommunications service on a library’s mobile library unit van, and the use by teachers or other school staff of wireless telecommunications service while accompanying students on a field trip or sporting event.

*Schools and Libraries Universal Service Support Mechanism*, Second Report and Order and Further Notice of Proposed Rulemaking, 18 FCC Rcd 9202, ¶ 19 n.28 (2003).

<sup>7</sup> 47 C.F.R. §§ 54.502, 54.503, 54.506.

The services and products listed in Sprint Nextel's comments, including the enumerated wireless Internet access data service applications, Internet access on school buses, text messaging, and EvDO cards, all directly relate to "educational purposes" consistent with the Commission's rules.<sup>8</sup> In order to ensure that the Schools and Libraries Universal Service Mechanism continues to fulfill Congress's objectives, the Commission must ensure that the program offers meaningful support for its intended beneficiaries by addressing their real communications needs.

**Wireless Internet Access Data Services Applications:** As Sprint Nextel observes, applications exist today that allow schools to transmit data that is essential to schools' educational mission, such as student attendance data, school bus locations, educational assessment data, and emergency directives and planning information.<sup>9</sup> These applications permit this type of data to be accessed from school officials' wireless devices, in a secure, encrypted manner, to facilitate responses to emergency situations and increase the efficiency and productivity of the educational process. While the Commission's rules do not permit E-Rate support to be used for "content," these applications are not in themselves content. Support is already provided, in the Internet access category, for applications like e-mail and web hosting that permit the transmission and management of the educational institution's own content.<sup>10</sup> These new wireless data service applications provide the same type of functionality as e-mail and web hosting by permitting schools and libraries to disseminate and manage information that they

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<sup>8</sup> See *id.* at 1-4 (quoting 47 C.F.R. § 54.500(b)).

<sup>9</sup> Sprint Nextel comments at 1-2 & nn.1-4.

<sup>10</sup> For example, e-mail applications are supported services. *First Universal Service Order*, 12 FCC Rcd at 9013 ¶ 444; Public Notice Draft Eligible Services List ("ESL") at 6. Web hosting services also are supported. ESL at 7.

have generated themselves regarding their own educational missions. As a result, these applications too should similarly be eligible for support.

**Internet Access on School Buses:** The Commission has already determined that wireless telecommunications services used by school bus drivers when transporting students to and from school are supported services.<sup>11</sup> The Commission also has determined that Internet access is a supported service, including mobile Internet access.<sup>12</sup> Thus, there should be no debate that Internet access on school buses also is a supported service. To remove any question for USAC reviewers, it should be added explicitly to the supported service list.

**Text Messaging (SMS/MMS, etc.):** As Sprint Nextel points out,<sup>13</sup> in terms of their information service classification, mobile text messaging services are the functional equivalent of email: They do not provide content; rather they permit users to transmit and store their own content. Educators use text messaging in the same way they use e-mail in furtherance of their educational missions. The Commission should remove any doubt that text messaging is a supported service. Consistent with Sprint Nextel's request, the Commission also should clarify that no cost allocation is necessary when text messaging is obtained a part of a bundled package that also includes supported telecommunications services.<sup>14</sup>

**Wireless Modems, EvDO Cards, and Wireless Routers:** As noted above, there is no question that wireless Internet access is a supported service under the Internet access category. It also is well established that wireless internal connection equipment, including antennas, is

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<sup>11</sup> ESL at 23.

<sup>12</sup> ESL at 7.

<sup>13</sup> Sprint Nextel comments at 3-4.

<sup>14</sup> *Id.*

supported under the internal connections category.<sup>15</sup> Wireless modems, EvDO cards and wireless routers all fit within this category, but are not specifically enumerated in the ESL. To avoid uncertainty, they should be specifically listed.

A wireless modem serves the same function as a cable modem (which is discussed in the ESL<sup>16</sup>) in connecting an eligible customer to the Internet. An EvDO card, too, acts exactly like any other wireless connection to the Internet, and therefore should be supported. “Routers” are listed as eligible in a general sense.<sup>17</sup> To facilitate the processing of funding requests and remove any uncertainty, the ESL should clearly specify that wireless routers are included.

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<sup>15</sup> ESL at 11.

<sup>16</sup> ESL at 27.

<sup>17</sup> ESL at 10.

### **Conclusion**

The changes to the eligible services list discussed above will help achieve the Commission's goals for the schools and libraries program, and enable schools and libraries to benefit from the rapidly developing capabilities of wireless services to meet the needs of educational institutions for mobile wireless communications. The Commission should accordingly modify the eligible services list for funding year 2008 to include each of the items discussed in Sprint Nextel's comments.

Respectfully submitted,

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